

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 55

March 27, 1996, 5:43 p.m.
Page S-2978 Temp. Record

LINE-ITEM VETO CONFERENCE/Recommit (Substitute Proposal)

SUBJECT: Line-Item Veto Act . . . S. 4. Domenici motion to table the Byrd motion to recommit the conference report with instructions.

ACTION: MOTION TO TABLE AGREED TO, 58-42

SYNOPSIS: The conference report to accompany S. 4, the Line-Item Veto Act, will permit the President, after signing into law a bill or joint resolution, to cancel in whole: any dollar amount of discretionary budget authority; any item of new direct spending; or any limited tax benefit.

The Byrd motion to recommit the bill to the conference committee with instructions would direct Senate conferees to disagree to the conference substitute and to insist instead on the adoption of alternative provisions (the authority that would be given would be a modification of the authority that was proposed in S. 14; see 104th Congress, 1st session, vote No. 112 for related debate). Rescission proposals of the President would have to be considered by Congress on an expedited basis. For each Act containing budget items, the President could propose the rescission of individual items, which would be lumped together in one rescission proposal bill. A rescission proposal bill would be considered by Congress under specified expedited procedures. Upon making a rescission request, the President could temporarily suspend budget authority for 45 days for any item that he had proposed to be rescinded. A "budget item" would be defined: as any budget authority provided in an appropriations act; a targeted tax benefit; or an amount of direct spending. A "targeted tax benefit" would be defined as any provision that had the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision was limited by its terms to a particular taxpayer or a class of taxpayers. Benefits provided to a class of taxpayers based on general demographic conditions would not be included in this definition. Rescissions of budget authority would be matched by commensurate reductions in the discretionary spending caps of the Budget Act; recessions of targeted tax benefits and direct spending would be matched by adjusting the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act (these two provisions would ensure that the savings from rescissions would be used to reduce the deficit).

Debate was limited by unanimous consent. Following debate, Senator Domenici moved to table the Byrd motion. Generally, those

(See other side)

YEAS (58)			NAYS (42)			NOT VOTING (0)	
Republicans (50 or 94%)	Democrats (8 or 17%)		Republicans (3 or 6%)	Democrats (39 or 83%)		Republicans (0)	Democrats (0)
Abraham	Hutchison	Baucus	Cohen	Akaka	Inouye		
Ashcroft	Inhofe	Breaux	Hatfield	Biden	Johnston		
Bennett	Kassebaum	Feinstein	Jeffords	Bingaman	Kerrey		
Bond	Kempthorne	Graham		Boxer	Kohl		
Brown	Kyl	Kennedy		Bradley	Lautenberg		
Burns	Lott	Kerry		Bryan	Leahy		
Campbell	Lugar	Lieberman		Bumpers	Levin		
Chafee	Mack	Robb		Byrd	Mikulski		
Coats	McCain			Conrad	Moseley-Braun		
Cochran	McConnell			Daschle	Moynihan		
Coverdell	Murkowski			Dodd	Murray		
Craig	Nickles			Dorgan	Nunn		
D'Amato	Pressler			Exon	Pell		
DeWine	Roth			Feingold	Pryor		
Dole	Santorum			Ford	Reid		
Domenici	Shelby			Glenn	Rockefeller		
Faircloth	Simpson			Harkin	Sarbanes		
Frist	Smith			Heflin	Simon		
Gorton	Snowe			Hollings	Wellstone		
Gramm	Specter				Wyden		
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hatch	Thurmond						
Helms	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

favoring the motion to table opposed the motion to recommit; those opposing the motion to table favored the motion to recommit.

NOTE: A Byrd first-degree and a Byrd second-degree amendment to the motion automatically fell when the motion was tabled. Those amendments struck the instructions and inserted new instructions with the same effect.

Those favoring the motion to table contended:

Little discussion on the Byrd motion is needed, other than to say that agreeing to it would kill this bill. It took conferees 6 months to work out a compromise. Sending back the conference report with new instructions to break the compromise would destroy any chance of a line-item veto bill being enacted this Congress. We believe our colleagues agree with us that their motion would have this effect. Because we favor enactment of this compromise legislation we must support the motion to table the Byrd motion.

Those opposing the motion to table contended:

The Byrd motion to recommit has been made to give Senators one last chance to approve a sensible, constitutional alternative to the damaging provisions of S. 4. In essence, it would instruct conferees to accept the provisions of S. 14, the Senate Democratic alternative that was offered last year as an amendment during debate on this bill. That alternative would give the President broad and uncomplicated authority to propose the rescission or repeal of appropriated funds, new direct spending, and targeted tax benefits. The President would be guaranteed a vote on any of his proposed rescissions under an expedited process that Congress would follow. We remind our colleagues that this formulation was originally proposed by the Chairman and ranking Member of the Budget Committee, who have unequaled expertise in the budget process. From the beginning, this proposal has made sense to us. One distinct advantage this proposal has over the bill provisions is that it will make it possible to repeal most tax expenditures, instead of just those that apply to 100 or fewer taxpayers. Another distinct advantage is that it will apply immediately. Our Republican colleagues who are so earnest in their defense of the line-item veto have brought back a conference report that will not be effective until the first of the year, at which time they hope President Clinton will no longer be President. Our Republican colleagues appear to be more in favor of the line-item veto when the President is a Republican; we, on the other hand, are opposed to giving up this legislative power to any President of any party. We urge our colleagues to take this last chance to give the President enhanced rescission powers that are constitutional instead of upsetting our constitutional framework by ceding legislative power to the President. We urge them to vote against the motion to table the Byrd motion.